



COUNCIL MEETING AGENDA

June 25, 2015

Members may attend in person or by telephone.

John W. Lewis, *Mayor*
Jordan Ray, *Vice Mayor*

Eddie Cook
Victor Petersen
Jared Taylor

Jenn Daniels
Brigette Peterson

Municipal Center, Council Chambers
50 East Civic Center Drive
Gilbert, Arizona

Regular Meeting
7:00 PM

AGENDA ITEMS MAY BE DISCUSSED IN A DIFFERENT SEQUENCE.
ITEMS WILL NOT BE DISCUSSED PRIOR TO POSTED MEETING TIME.

ADDENDUM

PRESENTATIONS; PROCLAMATIONS

3A. Proclamation declaring July 2015 as Park and Recreation Month In Gilbert.

CONSENT CALENDAR

9A. AGREEMENT – consider authorizing the Town Manager to enter into a settlement and release agreement with M.A. Mortenson Co. to settle all claims in Town of Gilbert v. M.A. Mortenson Co., Maricopa County Superior Court Case No. CV2013-092379.

AGENDA ITEM

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation may be offered by a person of any religion, faith, belief or non-belief, as well as Councilmembers. A list of volunteers is maintained by the Town Clerk and interested persons should contact the Clerk for further information.

Mayor invites all scouts present to the front of the Council Chambers.

Pledge of Allegiance and introduction and recognition of scouts.

Invocation by Councilmember.

ROLL CALL

PRESENTATIONS; PROCLAMATIONS

1. Recognition of Mary Jo Kuzmick for 22 years of service to the Town of Gilbert.
2. Recognition of Gilbert Feeding Families for their efforts to organize an annual food drive held in May.
3. Recognize innovative Water Conservation Program in Parkway Improvement Districts.

COMMUNICATIONS FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

CONSENT CALENDAR

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

4. INTERGOVERNMENTAL AGREEMENT – consider approval of renewal of Intergovernmental Agreement No. 2001-1003-0033 with Amendment No. 1 with Salt River Project and regional municipalities for the Granite Reef Underground Storage Project (GRUSP) to allow Gilbert to store up to 3,650 AF of water annually or 3.44% of annual GRUSP recharge capacity and authorize the Mayor to execute the required documents.
5. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2015-1304-0764 with the State of Arizona authorizing Arizona Department of Revenue to administer Town of Gilbert municipal privilege and affiliated excise taxes and authorize the Mayor to execute the required documents.
6. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2015-1001-0765 with the Mesa Housing Authority for the Housing Choice Voucher Veteran Affairs Supportive Housing Program and authorize the Mayor to execute the required documents.
7. INTERGOVERNMENTAL AGREEMENT – consider approval of Amendment No. 1 to Intergovernmental Agreement No. 2015-7009-0767 with City of Chandler for design, construction, and operation of the expansion of the San Tan Vista Water Treatment Plant, Project No. WA070, and authorize the Mayor to execute the required documents.

8. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2015-7003-0682 with Maricopa County for the necessary property acquisition, design, construction, and ownership of improvements to Val Vista Drive from Appleby to Riggs Road, Project ST112, and authorize the Mayor to execute the required documents.

9. AGREEMENT – consider approval of Telecommunication License Agreement No. 2015-1004-0734 with Teleport Communications America, LLC for use of right-of-way, and authorize the Mayor to execute the required documents.

10. LEASE AGREEMENT – consider approval and authorize the Mayor to execute Wireless Communications Lease Agreement No. 2015-1105-0677 with STC Five LLC for \$2,015.99 per month at 2855 E Guadalupe Road; increasing three percent per year until October 2021; increasing twenty percent in October 2021 and then increasing three percent per year thereafter; and a \$10,000 signing bonus paid to the Town upon contract execution.

11. AGREEMENT – consider approval of Cooperative Purchasing Contract No. 2015-1302-0763 with PFM Asset Management LLC for continued investment management services and authorize the Mayor to execute the required documents.

12. CONTRACT – consider approval of:

a) Professional Engineering Services Contract No. 2015-7009-0761 with Hubbard Engineering for the Gail Water Line Project, in an amount not to exceed \$24,000, Project No. WA111, and authorize the Mayor to execute the required documents; and

b) authorize a Water Fund Contingency Transfer in the amount of \$68,000.

13. CONTRACT – consider approval of Contract No. 2015-5001-0396 with Chandler Christian Community Center in an amount not to exceed \$137,000 for the Gilbert Senior Center and authorize the Mayor to execute the required documents.

14. CONTRACT – consider approval of Contract No. 2015-4106-0711 with Degan Construction, LLC in an amount not to exceed \$800,000 for Minor Concrete Repair and authorize the Mayor to execute the required documents.

15. CONTRACT – consider approval of Job Order Contract (JOC) - Task Order No. 43 Contract No. 2013-7003-0180 with CS Construction, Inc. in an amount not to exceed \$996,264.25 for the Neighborhood Streetlight Rehabilitation Project, Project No. ST148, and authorize the Mayor to execute the required documents.

16. CONTRACT – consider:

a) approval of Job Order Contract (JOC) - Task Order No. 40 Contract No. 2014-7008-0240 with CS Construction, Inc. in an amount not to exceed \$208,311.10 for the Traffic Signal at Seville Boulevard and Higley Road, Project No. TS176, and authorize the Mayor to execute the required documents; and

b) authorize a FY2016 CIP Contingency Transfer in the amount of \$30,000 and use the Signal System Development Fee Fund as the designated revenue source.

17. CONTRACT - consider finding that no written notices objecting to the acts or proceedings were filed with the Town pursuant to A.R.S. § 48-584 (E) within 15 days of the publication of the notice of award of the contracts for FY2016 improvements in Parkway Improvement District Nos. 07-03, 07-04, 07-09 and 07-11, and authorize the Mayor to execute the required documents as follows:

a) Contract No. 2015-8003-0673 with Somerset Contracting, LLC in an amount not to exceed \$202,127.82 for PK NO. 07-03 Park Village;

b) Contract No. 2015-8003-0674 with Somerset Contracting, LLC in an amount not to exceed \$42,023.80 for PK NO. 07-04 Spring Meadows;

c) Contract No. 2015-8003-0675 with Somerset Contracting, LLC in an amount not to exceed \$31,281.32 for PK NO. 07-09 Morning Ridge; and

d) Contract No. 2015-8003-0676 with Somerset Contracting, LLC in an amount not to exceed \$15,435.60 for PK NO. 07-11 Cassia Place.

18. CONTRACT – consider :

a) approval of Contract No. 2015-1105-0652 with Intergraph in an amount not to exceed \$193,000 for Police Computer Aided Dispatch and Records Management suite of software and authorize the Mayor to execute the required documents; and

b) authorize a FY2016 General Fund Contingency Transfer in the amount of \$28,000.

19. CONTRACT – consider approval of expenditures under Contract No. 2015-1105-0497 with Sentinel Technologies, Inc. in an amount not to exceed \$323,000 for FY2016 for IT network equipment and services and authorize the Mayor to execute the required documents.

21. BUDGET - consider authorization of a FY2016 Contingency Transfer in the amount of \$117,981 with the General Fund as the designated revenue source for upgrades to the roof at the Public Works Facility.

22. FINAL PLAT S14-04 - consider approval of a replat of The Enclave - Via Bella located at the northeast corner of Higley Road and Houston Avenue.

23. FINAL PLAT SP1470 - consider approval of the final plat for Light of Christ Lutheran Church located at north of the northeast corner of Chandler Heights and Greenfield Roads.

24. FINAL PLAT S611 - consider approval of the final plat for Temple View Estates located east of the northeast corner of Greenfield and Pecos Roads.

25. LIQUOR LICENSE – conduct hearing and consider approval of acquisition of control for the Series 12 Restaurant Liquor License for MOD Pizza located at 2904 East San Tan Village Parkway #101.

26. LIQUOR LICENSE – conduct hearing and consider approval of an acquisition of control for the Series 12 Restaurant Liquor License Desert Babe's Sports Grill located at 1686 North Higley Road #101.

27. PERMANENT EXTENSION OF PREMISES – consider approval of a permanent extension of premises for House of Brews located at 825 South Cooper Road, #B-5.

28. BOARDS AND COMMISSIONS - consider acceptance of the resignation of Bob Steiger from the Town of Gilbert, Arizona Water Resources Municipal Property Corporation effective June 24, 2015.

29. BOARDS AND COMMISSIONS – consider motion to:

a) accept the resignation of Cathy Chlarson from the Gilbert Educational Cable Access Governing Board effective May 26, 2015; and

b) appoint Dr. Charles Nwankwo to fill the remainder of the term as a regular member ending March 19, 2018.

30. MINUTES – consider approval of the minutes of June 2, 2015 Study Session and June 4, 2015 Regular Meeting.

PUBLIC HEARING

Items will be heard at one Public Hearing; at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. Hearings are noticed for 7:00 p.m.

In order to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Council. After the Public Hearing, the Council may act on all items not requiring additional staff, public, or Councilmember comment with a single vote.

31. LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Yanagi Sushi located at 884 West Warner Road, Suite B04.

32. ZONING Z15-08 - conduct hearing and consider approval of the findings and adoption of an Ordinance amending Ordinance Nos. 1403, 1629, and 2321 pertaining to the San Tan Estates Planned Area Development (PAD) by removing from the San Tan Estates PAD approximately 24.93 acres of real property consisting of approximately 24.93 acres of Shopping Center (SC)

zoning district, all with a Planned Area Development overlay zoning district, generally located at the southeast corner of Val Vista Drive and Queen Creek Road; approving the Development Plan for the DeRito Spectrum Planned Area Development; and changing the zoning classification of said real property from 24.93 acres of Shopping Center (SC) district, all with a Planned Area Development overlay zoning district to 24.93 acres of Shopping Center (SC) zoning district, all with a Planned Area Development overlay zoning district, as shown on the map which is available for viewing in the Planning and Development Services Office; and to modify the development regulations as follows: to increase the maximum size for a single use or user from 75,000 square feet to 160,000 square feet, allow for building height of up to three stories and 35', and require separation of 20' between three-story buildings. The effect of the rezoning will be to create a development plan and allow for increased square footage for a congregate living facility and allow increased stories, but not in excess of the existing SC height allowance of 35 feet.

33. ZONING Z15-10 - conduct hearing and consider approval of the findings and adoption of an Ordinance amending Ordinance Nos. 427, 617, 725, 1287, 1689, 1708 and 2430 to amend the conditions of development within the Settler's Point Planned Area Development (PAD) for approximately 14.4 acres of real property generally located north of Civic Center Drive and west of Gilbert Road, consisting of approximately 14.4 acres of Multi-Family / Medium (MF/M) zoning district with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office. The request is to amend the conditions of development as follows: decrease allowed height from four-story to three-story with maximum height of 46', and allow access through commercially zoned property. The effect this amendment is to disallow four-story development and ensure residential access through commercially zoned property.

34. GENERAL PLAN GP15-02/ ZONING Z15-04 – conduct hearing and consider:

a) adoption of a Resolution approving a Minor General Plan amendment to change the land use classification of approximately 6.02 acres of real property generally located at the southwest corner of Val Vista Drive and Germann Road from Shopping Center (SC) land use classification to General Commercial (GC) land use classification. The effect of this amendment will be to change the plan of development for the property to allow increased intensity of development; and

b) approval of the findings and adoption of an Ordinance amending Ordinance No. 2299 and rezone approximately 6.02 acres of real property within the Villages at Val Vista Planned Area Development (PAD) generally located at the southwest corner of Val Vista Drive and Germann Road from approximately 6.02 acres of Shopping Center (SC) with a Planned Area Development overlay zoning district to approximately 6.02 acres of General Commercial (GC) with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office, and to amend conditions of development in the Villages at Val Vista Planned Area Development (PAD) as follows: eliminate side yard setback adjacent to non-residential uses, reduce the rear set back from 75' to 20' for buildings adjacent to residential uses, and reduce landscaping setback adjacent to residential uses from 40' to 10'. The effect of the rezoning will be increase intensity and the

square footage allowed for a single user, the modifications requested will decrease building and landscape setbacks to commercial and residential land uses.

35. BUDGET - conduct hearing and consider adoption of an Ordinance setting the Secondary Property Tax Levy for FY2015-16 at \$21,221,243 to partially meet the current debt service requirements of the Town; the remaining debt service to be paid from fund balance.

35A. HUMAN SERVICES - consider approval of:

a) the Gilbert Wellness & Resource Center Proposal; and

b) an Amendment to the 2015-2020 Community Development Block Grant (CDBG) Five year Consolidated Plan to Renovate Page Park Center for the Center operations.

ADMINISTRATIVE ITEMS

Administrative Items are for Council discussion and action. It is to the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.

36. BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:

- a) Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Design Review Board
- d) Environmental and Energy Conservation Advisory Board
- e) Gilbert Educational Cable Access Governing Board
- f) Arts and Culture Board
- g) Human Relations Commission
- h) Industrial Development Authority
- i) Mayor's Youth Advisory Committee
- j) Parks, Recreation and Library Services Advisory Board
- k) Planning Commission
- l) Redevelopment Commission
- m) Gilbert Public Facilities MPC
- n) Gilbert Water Resources MPC
- o) Gilbert Self-Insured Trust Fund
- p) Regional Meetings
- q) Utility Board

POLICY ITEMS

FUTURE MEETINGS

There may be a discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

COMMUNICATIONS

Report from the TOWN MANAGER on current events.

Report from the COUNCIL on current events.

Report from the MAYOR on current events.

ADJOURN

NOTICE TO PARENTS: Parents and legal guardians have the right to consent before the Town of Gilbert makes a video or voice recording of a minor child. A.R.S. 1-602.A.9. Gilbert Council Meetings are recorded and maybe viewed on Channel 11 and the Gilbert website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk.